

U.S. Appln. No. 09/844,107  
Reply to Office Action dated May 12, 2005

PATENT  
450100-03202

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-21 are currently pending. Claims 1, 3-5, 20 and 21 are independent.

#### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

Claims 1 and 3-21 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,636,243 B1 to MacPhail (hereinafter, merely "MacPhail") in view of Microsoft Power Point Screen Capture Figures 1-3 (hereinafter merely, "Figure 1-3").

Claim 2 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over MacPhail in view of Figure 1-3 and further in view of U.S. Patent No. 6,118,427 to Buxton et al. (hereinafter, merely "Buxton").

Applicants respectfully traverse the rejections because the Office Action has not provided a prior art date for Figures 1-3, MacPhail fails as a primary reference and Figures 1-3 do not provide the disclosure missing from MacPhail.

##### **1. The Office Action has not provided a prior art date for Figures 1-3**

Applicants respectfully submit that Figures 1-3 show a Microsoft copyright of 1987-1999 and a Power Point copyright of 2000. Applicants note that the present application has an effective filing date of May 1, 2000. Thus, while the Microsoft

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copyright may be prior to May 1, 2000, there is nothing to indicate that the Power Point copyright is prior to May 1, 2000. Furthermore, Applicants note that Power Point has had numerous updates and upgrades and the Office Action has not provided a date on which the features used as a basis of rejection were available. Therefore, Applicants submit that the Office Action has failed to make a *prima facie* case that Figure 1-3 are prior art.

## 2. MacPhail Fails as a Primary Reference

Applicants note that the Office Action states that:

"MacPhail does not clearly teach that the icons are thumbnails. It would have been obvious to implement teachings of thumbnails in the MacPhail's system to perform [in] similar functionality as any icon of MacPhail to improve visibility to ease the user when determining the content of the objects/icons displayed on a GUI."

Applicants respectfully submit that MacPhail fails to disclose or suggest thumbnails. Furthermore, Applicants submit that the Office Action has improperly attributed disclosure related to implementing thumbnails to MacPhail that is not present in MacPhail.

Additionally, the Office Action states that:

"MacPhail inherently provides that icons can be overlapped if there are so many icons displayed on the ring because the system of MacPhail is not limited how many icons allow to be on that ring; and if not, it would have been obvious to modify the icons or thumbnails to be overlapped for saving space or other grouping purposes;" (emphasis added)

Again, Applicants submit that such an interpretation improperly attributes features to MacPhail that are not disclosed or suggested by MacPhail. Specifically, Applicants submit that it is impermissible to attribute a function of overlapping icons to

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MacPhail when there is no disclosure or suggestion of such a feature in MacPhail. Thus, Applicants respectfully request the rejections be withdrawn.

### 3. Figures 1-3 Do Not Provide the Disclosure Missing From MacPhail

The Office Action states that MacPhail does not teach how to determine a speed for the thumbnail and relies on Figures 1-3 to provide that feature. Even assuming, *arguendo*, that Figures 1-3 is prior art, the combination still fails to make a *prima facie* rejection.

Claim 1 recites, *inter alia*:

"An information processing apparatus...  
wherein a speed of selection of said one or more thumbnails  
determines a speed at which said one or more thumbnails are displayed. (emphasis added)

Thus, claim 1 recites that the speed of selection determines a display speed. As understood by Applicants, Figure 1-3 merely permits a user to establish a single display time for each slide. Applicants submit that Figure 1-3 fail to disclose the speed of selection determines a display speed, as recited in claim 1.

### 4. Rejections Should be Withdrawn

Applicants submit that MacPhail and Figure 1-3, taken alone or in combination, do not teach or suggest the above-identified features of claim 1.

Specifically, Applicants submit that there is no teaching or suggestion of a correlation between a speed of selection of said one or more thumbnails and a speed at which said

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one or more thumbnails are displayed, as recited in claim 1. Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to or somewhat similar to those described above with regard to independent claim 1, amended independent claims 3-5, 20 and 21 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 3-5, 20 and 21 are patentable.

### III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

### CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

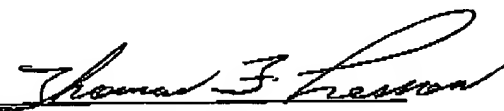
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In view of the foregoing remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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